

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, DC

_____)	
In the Matter of)	
)	
Notice and Recordkeeping for Use of)	
Sound Recordings Under Statutory)	Docket No. 14-CRB-0005 (RM)
License)	
Notice of proposed rulemaking)	
_____)	

Comments of KNHC

Pursuant to the above captioned Notice of Proposed Rulemaking ("Notice") which appeared in the Federal Register on May 2, 2014, KNHC, submits its comments. KNHC is currently considered a Noncommercial Educational Webcaster ("NEW") as defined by 37 CFR §380.21. KNHC is also licensed by the FCC as a non-commercial public radio station. KNHC is owned by the Seattle Public Schools and is operated by students with staff oversight. Its purpose is to both provide high quality information and entertainment programming appropriate for a younger audience, as well as to provide Career & Technical Education training for students.

The designation as a NEW has suited us well as the Reporting requirements under 37 CFR §380.23 provide KNHC submit Reports of Use through a proxy fee. We would like to retain the ability to report as a NEW for as long as possible, and request that the regulations which appear to sunset these recordkeeping provisions be removed so we can continue to report as a NEW even after December 31, 2015. The §380.23 regulations were adopted as precedent and should be allowed to remain as the recordkeeping and reporting regulations as they serve us well, will allow us to continue to webcast and have been previously approved and adopted as a reasonable.

With respect to the elimination of the requirement of a template in Quatro Pro, KNHC has no objection; however we respectfully request that this requirement be replaced with a template as Google spreadsheet. Also, the current Excel template should be updated to conform to any and all proposed changes. KNHC is capable of providing information in these formats but would be hard pressed to use any others.

KNHC feels that the requirement to submit a copy the Notice of Use directly to SoundExchange is unnecessary and likely to be overlooked. This problem would be eliminated if KNHC could complete a form on-line and submit payment with a credit card. A copy of the electronic submission could then automatically be forwarded to SoundExchange.

KNHC is very relieved to see that the proposed regulations included the qualifier, “if feasible” with respect to reporting the ISRC because it is absolutely not feasible for that to happen at KNHC as our DJ’s do not have access to the information required for many of the CD’s they play, if they do not currently live as ripped to our server.

KNHC must object to these new requirements because they is not compatible with anything we have in place, could not be incorporated into our library in a timely manner, would cost too much to incorporate even if we did have the resources,

KNHC must also strongly object to the proposed new requirement to be required to add the “The letters ‘NLR’ (for ‘no license required’)) if the Service has excluded

the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because transmission of the sound recording does not require a license, or the letters “DL” (for “direct license”) if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because the Service has a license directly from the copyright owner of such sound recording.”

KNHC objects because our live DJs do not know the necessary data and would have no way of knowing what is allowed to be excluded and what is not. To our knowledge no definitive list exists which would allow us to include this information in our automation system, and even if one did exist, we do not have the resources to update our database of over 16,000 recordings.

KNHC is uncomfortable with the provisions for a late fee for “non-compliant” reports of use, even if timely filed. We would have no way of knowing the threshold level of non-compliance which would justify a late fee.

KNHC must object to the proposed change of due date for ROUs submitted from the current 45 days after the close of the relevant reporting period to 30 days due to the fact that we would need the additional time to find and assign the necessary student and volunteer staff, format the data, and check the accuracy of the data submitted.

Conclusion

For the above reasons, KNHC believes that the §380.23 provisions for NEWS should be extended indefinitely as our stream may not exist if they go away.

Dated: May 19, 2014

Respectfully submitted,

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